



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 6, 1997

Ms. Judith Doran
Open Records Coordinator
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR97-0015

Dear Ms. Doran:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103582.

The Texas Parks and Wildlife Department (the "department") received an open records request for various records relating to the approval of state park hunts in the Calliham Unit of Choke Canyon State Park. You state that much of the requested information has been made available to the requestor. You seek to withhold pursuant to section 11.030 of the Parks and Wildlife Code certain "personal information" pertaining to the individuals who applied for permits to hunt within the park.

Section 11.030 of the Parks and Wildlife Code provides in pertinent part as follows:

(a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the department may not be disclosed except as authorized under this section or Section 12.0251.¹

¹Section 12.0251 of the Parks and Wildlife Code pertains to wildlife management plans of private property and is not relevant here.

(b) Chapter 552, Government Code, does not apply to customer information described by Subsection (a). [Footnote added.]

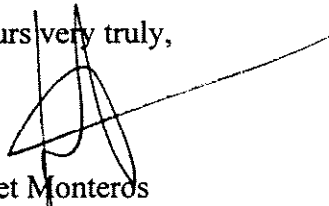
Pursuant to section 11.0271 of the Parks and Wildlife Code, the department may conduct public drawings to select applicants for privileges to hunt on public lands. The department is authorized to collect from the applicants a non-refundable "participation fee" in addition to any fee for issuing a hunting permit or license. Parks & Wild. Code § 11.0271(a). We believe that for purposes of section 11.030, any individual who pays a participation fee in connection with the drawings authorized under section 11.0271 is a "person who purchases customer products, licenses, or services from the department." We therefore conclude that section 11.030 of the Parks and Wildlife Code is applicable to the information at issue to the extent that it consists of "customer information."

Because subsection (b) of section 11.030 specifically excludes "customer information" from the provisions of the Open Records Act, we conclude that the act does not govern the release of such information. However, section 11.030(c)(1) requires that the Parks and Wildlife Commission "by rule shall adopt policies relating to" the release of customer information. Accordingly, the department must adhere to the policies adopted by Parks and Wildlife Commission in determining the extent to which the "customer information" may be released to the requestor.

Finally, we note that the representative sample of records you submitted to this office in connection with your request contains information other than "customer information." Because you have not argued that the remaining information is excepted from required public disclosure, any information consisting of anything other than "customer information" must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet Monteros', is written over the closing 'Yours very truly,'.

Janet Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/rho

Ref.: ID# 103582

Enclosures: Submitted documents

cc: Mr. Ellis Gilleland
P.O. Box 9001
Austin, Texas 78766
(w/o enclosures)